

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BARBARA J. JOHNSON)
v.)
WAL-MART STORES EAST, L.P.) NO. 3-15-0485
) JUDGE CAMPBELL
)

ORDER

Pending before the Court are Defendant's Motion for Summary Judgment (Docket No. 22) and Defendant's Motion to Deem Defendant's Statement of Undisputed Facts as Undisputed and to Deem Defendant's Motion for Summary Judgment Unopposed (Docket No. 28).

For the reasons stated in the accompanying Memorandum, Defendant's Motion for Summary Judgment (Docket No. 22) is GRANTED, and this action is DISMISSED.

Defendant's Motion to Deem Defendant's Statement of Undisputed Facts as Undisputed and to Deem Defendant's Motion for Summary Judgment Unopposed (Docket No. 28) is GRANTED in part and DENIED in part.

Plaintiff's Response to Defendant's Statement of Undisputed Facts, which is included at the beginning of her Response to the Motion for Summary Judgment (Docket No. 32) instead of filed separately and in compliance with Fed. R. Civ. P. 56 and Local Rule 56.01, is incomplete. Plaintiff has grouped various of Defendant's statements together into eight numbered statements. Two of the eight statements included are undisputed; three of the remaining six are not supported by any citation to the record; and two of the remaining six cite pages of Plaintiff's deposition which are not in the record. Thus, only one statement (No. 1) is disputed with a correct citation to the record.

Therefore, all facts except the No. 1 fact concerning whether Plaintiff worked part-time or full-time, which Plaintiff has disputed with proper citation to the record, are deemed admitted.

Any other pending Motions are denied as moot, and the Clerk is directed to close the file. The pretrial conference set for January 30, 2017, and the jury trial set for February 7, 2017, are canceled. This Order shall constitute the final judgment in this case pursuant to Fed. R. Civ. P. 58.

IT IS SO ORDERED.

Todd Campbell
TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE